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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STOLTHAVEN HOUSTON INC.,

Plaintiff,

-against-

RACHEL B, its engines, tackle apparel, etc., *in rem*, and  
HILTVEIT ASSOCIATES, INC. and ZAREPTA  
CHEMICAL KS, *in personam*,

Defendants.  
-----X

08 CIV. 4327 (RPP)

**STIPULATION AND ORDER**

WHEREAS, Plaintiff STOLTHAVEN HOUSTON INC., has appealed to the United States Court of Appeals for the Second Circuit from the Order of this Court, entered on July 18, 2008, which granted the motion to vacate attachment of Defendant ZAREPTA CHEMICAL KS ("Defendant") and awarded the Defendant attorneys' fees;

WHEREAS Defendant has brought a motion requesting that this Court determine the amount of attorneys' fees and costs; and

WHEREAS, Plaintiff and Defendant are presently engaged in negotiations aimed at reaching a settlement of all issues in this action;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant, by their undersigned attorneys, that Plaintiff's opposition submission to Defendant's motion shall

be filed on or before September 16, 2008, and Defendant's reply submission shall be filed on or before September 30, 2008.

Dated: New York, New York  
August 26, 2008

FREEHILL HOGAN & MAHAR, LLP  
Attorneys for Plaintiff  
STOLTHAVEN HOUSTON, INC.

HOLLAND & KNIGHT LLP  
Attorneys for Defendant  
ZAREPTA CHEMICAL KS

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**SO ORDERED:**

Robert P. Patterson, Jr.  
Robert P. Patterson, Jr.  
U.S.D.J.

8/27/08